IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL No. 466 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 15/02/2005 in WP No. 2511 OF 2005 on the file of the High Court.)

Between:

P.V. Ramanamurthy, S/o. Late Satyanarayana Murthy,
R/o. 402, Rithvik Enclave, Near Screw Bridge, Patamatalanka, Vijayawada, Krishna District.

..... APPELLANT

AND

The Mandal Revenue Officer, P. Gannavaram Mandal,
East Godavari District.

.....RESPONDENT

Counsel for the Appellant: Mr. M.SURENDER RAO

Counsel for the Respondent : GP FOR REVENUE

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

Heard the learned counsel for parties.

Writ Petition of the appellant was dismissed by the order impugned in the Writ Appeal.

Though the learned counsel for the appellant tried to confuse the issue, but the facts as reflected from various orders placed on record are that Writ Petition No. 19254 of 2000 was filed by All Caste Field Labour CooperativeSociety, Pedapatnam against the Collector, East Godavari District and the Mandal Revenue Officer, in which, direction was sought not to dispossess them from the land admeasuring Ac.82.19 cents of Manepally village. Writ Petition was disposed of at the admission stage on 21.12.2000 directing the Mandal Revenue Officer, P.Gannavaram to consider the case of All Caste Field Labour Cooperative Society, Pedapatnam and directed the maintenance of the status quo as on that date to be maintained. The petitioner-appellant herein is claiming title over the piece of land admeasuring Ac.2.07 cents comprised in Survey Nos. 364/1, 364/2 and 365/3 and had been agitating before the revenue authorities for localization of his lands. The said piece of land is part and parcel of Ac.82.19 cents of land claimed by the All Caste Field Labour Cooperative Society, Pedapatnam. Since, there was status quo order operating pursuant to the direction issued in W.P. No. 19254 of 2000, the appellant filed Writ Appeal No.1068 of 2002 against the orders passed on 21.12.2000 with the leave of the Court. The Writ Appeal was disposed of with the observations that the disposal of the representation by the Mandal Revenue Officer of All Caste Field Labour Cooperative Society, Pedapatnam, shall have its own bearing on the order of status quo directed to be maintained and no separate order was required to be issued in the Writ Appeal. Pursuant to the directions dated: 16.7.2003 in Writ Appeal No.1068 of 2002, The Mandal Revenue Officer, along with the police visited the spot. Then, some of the members of All Caste Field Labour Cooperative Society, Pedapatnam gathered and obstructed the officials from entering into the land and created law and order problem and in the meanwhile, C.C.No. 813 of 2004 was filed by the appellant, in which, detailed affidavit was filed by the Mandal Revenue Officer,

P.Gannavaram Mandal stating that survey was carried out for demarcation of the land and found that the members of All Caste Labour Cooperative Society were in occupation of Ac. 52.05 cents of land, which was government land and the remaining land of Ac. 38.82 cents of land belong to various individuals. Pursuant to the counter-affidavit, the Contempt Case was closed.

Learned counsel for the appellant submits that the appellant had been, thereafter, approaching the concerned authorities that out of the private localized Zeroyathi land belonging to various individuals admeasuring 38.82 cents, the respondents are further bound to localize the appellant's land to the extent of Ac.2.07 cents. Learned Single Judge without going into this aspect, dismissed the writ petition further observing that the appellant's land was in possession of the members of the society and he had to file a civil suit.

Considering the facts and circumstances of the case and the fact that after the private land admeasuring Ac.38.82 cents was localized, it was but necessary for the respondents to have duly considered the representation of the petitioner also for localizing the land belonging to the appellant admeasuring Ac.2.07 cents in Survey Nos. 364/1, 364/2 and 365/3. To that extent, relief could not have been denied to the appellant. That was also the direction issued by the Collector to localize the said land. It is not obligatory on the part of the respondents to put the appellant in possession of the said land. After the land is localized, in case, somebody else is in possession, it will be for the appellant to take appropriate steps to obtain possession. Accordingly, we allow the Appeal, set aside the impugned order and allow the Writ Petition with direction to the Mandal Revenue Officer, to localize the land in Survey Nos. 364/1, 364/2 and 365/3 admeasuring Ac.2.07 cents situated at Manepally village, P.Gannavaram Mandal, East Godavari District, within a period of two months from the date of the receipt of a copy of this order. No costs.

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DEVINDER GUPTA, C.J.

23.3.2005.

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B.SESHASAYANA REDDY, J.

VR.

To

1. The Mandal Revenue Officer, P. Gannavaram Mandal,
East Godavari District.

2. Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

3. 2 CD copies

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